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Ingram Micro Inc. and Synnex Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL Docket No. 3:10-md-02143-RS-JCS

This document relates to:

Case No. 3:13-cv-05372-RS

Ingram Micro Inc., et al.,

**STIPULATION AND [PROPOSED]
ORDER REGARDING EXTENSION OF
TIME TO RESPOND TO COMPLAINT
AND SERVICE OF PROCESS**

Plaintiffs,

Hon. Richard Seeborg

LG Electronics Inc. et al

[Fed. R. Civ. P. 4 and Civil L.R. 6-1]

Defenda

For more information about the study, please contact Dr. John Smith at (555) 123-4567 or via email at john.smith@researchinstitute.org.

STIPULATION

WHEREAS on October 25, 2013, Plaintiffs Ingram Micro Inc. ("Ingram Micro") and Synnex Corporation ("Synnex") filed a Complaint for Damages and Injunctive Relief [Doc. No. 1] (the "Complaint") naming Quanta Storage, Inc. and Quanta Storage America, Inc., among others, as defendants; and

WHEREAS on October 25, 2013, a Summons in a Civil Action issued as to Defendant Quanta Storage, Inc., and a Summons in a Civil Action issued as to Defendant Quanta Storage America, Inc.; and

WHEREAS on March 5, 2014, Plaintiffs Ingram Micro and Synnex filed a Motion to Serve Defendant Quanta Storage, Inc. Through Its U.S. Counsel Under Federal Rule of Civil Procedure 4(f)(3) [Doc. No. 19] (the “Motion”); and

WHEREAS on March 18, 2014, Plaintiffs Ingram Micro and Synnex filed a Request to Clerk for Entry of Default [Doc. No. 21] (the “Request”) against Defendant Quanta Storage America, Inc.; and

WHEREAS Defendant Quanta Storage, Inc. has agreed to waive service of a summons under Rule 4 of the Federal Rules of Civil Procedure and to waive any objections to the absence of service of a summons and the Complaint; and

WHEREAS Defendant Quanta Storage, Inc. has agreed to waive any objections to the enforcement of any judgment entered against Defendant Quanta Storage, Inc. in this action, based on the absence of service of a summons and the Complaint; and

WHEREAS Defendant Quanta Storage America, Inc. has agreed to waive any objections to service of a summons and the Complaint; and

WHEREAS Plaintiffs Ingram Micro and Synnex have agreed to withdraw the Motion and the Request,

NOW, THEREFORE, Plaintiff Ingram Micro, Plaintiff Synnex, Defendant Quanta Storage, Inc., and Defendant Quanta Storage America, Inc., through their respective counsel, hereby stipulate and agree that:

1. Defendant Quanta Storage, Inc. shall waive service of a summons under Rule 4 of

1 the Federal Rules of Civil Procedure.

2 2. Defendant Quanta Storage, Inc. shall waive any objections to the absence of
3 service of a summons and the Complaint.

4 3. Defendant Quanta Storage, Inc. shall waive any objections to the enforcement of
5 any judgment entered against Defendant Quanta Storage, Inc. in this action, based on the absence
6 of service of a summons and the Complaint.

7 4. Defendant Quanta Storage America, Inc. shall waive any objections to service of a
8 summons and the Complaint.

9 5. Plaintiffs Ingram Micro and Synnex shall withdraw their Motion to Serve
10 Defendant Quanta Storage, Inc. Through Its U.S. Counsel Under Federal Rule of Civil Procedure
11 4(f)(3) [Doc. No. 19].

12 6. Plaintiffs Ingram Micro and Synnex shall withdraw their Request to Clerk for
13 Entry of Default [Doc. No. 21].

14 7. The deadline for Defendants Quanta Storage, Inc. and Quanta Storage America,
15 Inc. to answer or otherwise respond to the Complaint shall be extended to Tuesday, June 24,
16 2014.

17 8. To the extent that Defendant Quanta Storage, Inc. and/or Defendant Quanta
18 Storage America, Inc. move to dismiss the Complaint under Rule 12(b)(6) of the Federal Rules of
19 Civil Procedure or otherwise, the parties shall work in good faith to reach an agreed-upon briefing
20 schedule that they shall present to the Court no later than Tuesday, July 8, 2014, but in no event
21 shall the response of Plaintiffs Ingram Micro Inc. and Synnex Corporation to any such motion(s)
22 be due before Monday, August 25, 2014.

23 IT IS SO STIPULATED.

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1 Dated: March 26, 2014

CROWELL & MORING LLP

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By: /S/ Daniel A. Sasse

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Daniel A. Sasse
Angela J. Yu

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Attorneys for Plaintiffs
Ingram Micro Inc. and Synnex Corporation

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Dated: March 26, 2014

ASIA LAW

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FILER ATTESTATION

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Pursuant to Rule 5-1(i)(3) of the Local Rules of Practice in Civil Proceedings Before the United States District Court for the Northern District of California, I, Daniel A. Sasse, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories.

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1 Dated: March 26, 2014

CROWELL & MORING LLP

3 By: /S/ Daniel A. Sasse

4 Daniel A. Sasse

5 Attorneys for Plaintiffs
6 Ingram Micro Inc. and Synnex Corporation

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9 ~~[PROPOSED] ORDER~~

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11 DATED: 3/27/14



12 Honorable Richard Seeborg
13 United States District Judge

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